

AMENDED IN SENATE AUGUST 19, 2014

AMENDED IN SENATE JULY 1, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2035

Introduced by Assembly Member Chesbro
(Coauthor: Assembly Member Hall)
(Coauthor: Senator Anderson)

February 20, 2014

An act to amend Sections 1522.41 and 1529.2 of the Health and Safety Code, and to amend Section 16003 of, and to amend, repeal, and add Section 300 to, the Welfare and Institutions Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 2035, as amended, Chesbro. Sexually exploited and trafficked minors.

Existing law provides that a child may come within the jurisdiction of the juvenile court and become a dependent child of the court in certain cases, including when the child is abused, a parent or guardian fails to adequately supervise or protect the child, as specified, or a parent or guardian fails to provide the child with adequate food, clothing, shelter, or medical treatment.

~~This bill, in addition, bill would specifically provide, make legislative findings and declarations, until January 1, 2017, that a minor may come is within the jurisdiction of the juvenile court and become a dependent child of the court if the minor is a victim of human trafficking or sexual~~

~~exploitation, or received food or shelter in exchange for, or was paid to perform, sexual acts, and the parent or guardian failed or was unable to protect the child.~~

Existing law, the California Community Care Facilities Act, requires the State Department of Social Services to license and regulate community care facilities, including foster family agencies and other facilities that provide foster care services for children. Existing law requires the department to develop, and an administrator of a group home facility to complete, a certification program that includes training in various areas. Existing law requires a foster family agency to provide, and a licensed foster parent to complete, prescribed preplacement training and additional annual training. Existing law requires a community college district with a foster care education program to make orientation and training available to a relative or nonrelative extended family member caregiver of a foster child, as specified.

This bill would require the training for an administrator of a group home facility, licensed foster parent, or relative or nonrelative extended family member caregiver to include instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to a sexually exploited and trafficked minor in out-of-home care. By expanding the duties of community college districts, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1522.41 of the Health and Safety Code
- 2 is amended to read:
- 3 1522.41. (a) The director, in consultation and collaboration
- 4 with county placement officials, group home provider
- 5 organizations, the Director of Health Care Services, and the
- 6 Director of Developmental Services, shall develop and establish

1 a certification program to ensure that administrators of group home
2 facilities have appropriate training to provide the care and services
3 for which a license or certificate is issued.

4 (b) (1) In addition to any other requirements or qualifications
5 required by the department, an administrator of a group home
6 facility shall successfully complete a department-approved
7 certification program, pursuant to subdivision (c), prior to
8 employment. An administrator employed in a group home on the
9 effective date of this section shall meet the requirements of
10 paragraph (2) of subdivision (c).

11 (2) In those cases where the individual is both the licensee and
12 the administrator of a facility, the individual shall comply with all
13 of the licensee and administrator requirements of this section.

14 (3) Failure to comply with this section shall constitute cause for
15 revocation of the license of the facility.

16 (4) The licensee shall notify the department within 10 days of
17 any change in administrators.

18 (c) (1) The administrator certification programs shall require
19 a minimum of 40 hours of classroom instruction that provides
20 training on a uniform core of knowledge in each of the following
21 areas:

22 (A) Laws, regulations, and policies and procedural standards
23 that impact the operations of the type of facility for which the
24 applicant will be an administrator.

25 (B) Business operations.

26 (C) Management and supervision of staff.

27 (D) Psychosocial and educational needs of the facility residents.

28 (E) Community and support services.

29 (F) Physical needs for facility residents.

30 (G) Administration, storage, misuse, and interaction of
31 medication used by facility residents.

32 (H) Resident admission, retention, and assessment procedures,
33 including the right of a foster child to have fair and equal access
34 to all available services, placement, care, treatment, and benefits,
35 and to not be subjected to discrimination or harassment on the
36 basis of actual or perceived race, ethnic group identification,
37 ancestry, national origin, color, religion, sex, sexual orientation,
38 gender identity, mental or physical disability, or HIV status.

1 (I) Instruction on cultural competency and sensitivity relating
2 to, and best practices for, providing adequate care to lesbian, gay,
3 bisexual, and transgender youth in out-of-home care.

4 (J) Instruction on cultural competency and sensitivity relating
5 to, and best practices for, providing adequate care to a sexually
6 exploited and trafficked minor in out-of-home care.

7 (K) Nonviolent emergency intervention and reporting
8 requirements.

9 (L) Basic instruction on the existing laws and procedures
10 regarding the safety of foster youth at school and the ensuring of
11 a harassment- and violence-free school environment contained in
12 the School Safety and Violence Prevention Act (Article 3.6
13 (commencing with Section 32228) of Chapter 2 of Part 19 of
14 Division 1 of Title 1 of the Education Code).

15 (2) The department shall adopt separate program requirements
16 for initial certification for persons who are employed as group
17 home administrators on the effective date of this section. A person
18 employed as an administrator of a group home facility on the
19 effective date of this section shall obtain a certificate by completing
20 the training and testing requirements imposed by the department
21 within 12 months of the effective date of the regulations
22 implementing this section. After the effective date of this section,
23 these administrators shall meet the requirements imposed by the
24 department on all other group home administrators for certificate
25 renewal.

26 (3) Individuals applying for certification under this section shall
27 successfully complete an approved certification program, pass a
28 written test administered by the department within 60 days of
29 completing the program, and submit to the department the
30 documentation required by subdivision (d) within 30 days after
31 being notified of having passed the test. The department may
32 extend these time deadlines for good cause. The department shall
33 notify the applicant of his or her test results within 30 days of
34 administering the test.

35 (d) The department shall not begin the process of issuing a
36 certificate until receipt of all of the following:

37 (1) A certificate of completion of the administrator training
38 required pursuant to this chapter.

1 (2) The fee required for issuance of the certificate. A fee of one
2 hundred dollars (\$100) shall be charged by the department to cover
3 the costs of processing the application for certification.

4 (3) Documentation from the applicant that he or she has passed
5 the written test.

6 (4) Submission of fingerprints pursuant to Section 1522. The
7 department may waive the submission for those persons who have
8 a current clearance on file.

9 (5) That person is at least 21 years of age.

10 (e) It shall be unlawful for any person not certified under this
11 section to hold himself or herself out as a certified administrator
12 of a group home facility. Any person willfully making any false
13 representation as being a certified administrator or facility manager
14 is guilty of a misdemeanor.

15 (f) (1) Certificates issued under this section shall be renewed
16 every two years and renewal shall be conditional upon the
17 certificate holder submitting documentation of completion of 40
18 hours of continuing education related to the core of knowledge
19 specified in subdivision (c). No more than one-half of the required
20 40 hours of continuing education necessary to renew the certificate
21 may be satisfied through online courses. All other continuing
22 education hours shall be completed in a classroom setting. For
23 purposes of this section, an individual who is a group home facility
24 administrator and who is required to complete the continuing
25 education hours required by the regulations of the State Department
26 of Developmental Services, and approved by the regional center,
27 may have up to 24 of the required continuing education course
28 hours credited toward the 40-hour continuing education
29 requirement of this section. Community college course hours
30 approved by the regional centers shall be accepted by the
31 department for certification.

32 (2) Every administrator of a group home facility shall complete
33 the continuing education requirements of this subdivision.

34 (3) Certificates issued under this section shall expire every two
35 years on the anniversary date of the initial issuance of the
36 certificate, except that any administrator receiving his or her initial
37 certification on or after July 1, 1999, shall make an irrevocable
38 election to have his or her recertification date for any subsequent
39 recertification either on the date two years from the date of issuance
40 of the certificate or on the individual's birthday during the second

1 calendar year following certification. The department shall send
2 a renewal notice to the certificate holder 90 days prior to the
3 expiration date of the certificate. If the certificate is not renewed
4 prior to its expiration date, reinstatement shall only be permitted
5 after the certificate holder has paid a delinquency fee equal to three
6 times the renewal fee and has provided evidence of completion of
7 the continuing education required.

8 (4) To renew a certificate, the certificate holder shall, on or
9 before the certificate expiration date, request renewal by submitting
10 to the department documentation of completion of the required
11 continuing education courses and pay the renewal fee of one
12 hundred dollars (\$100), irrespective of receipt of the department's
13 notification of the renewal. A renewal request postmarked on or
14 before the expiration of the certificate shall be proof of compliance
15 with this paragraph.

16 (5) A suspended or revoked certificate shall be subject to
17 expiration as provided for in this section. If reinstatement of the
18 certificate is approved by the department, the certificate holder,
19 as a condition precedent to reinstatement, shall submit proof of
20 compliance with paragraphs (1) and (2), and shall pay a fee in an
21 amount equal to the renewal fee, plus the delinquency fee, if any,
22 accrued at the time of its revocation or suspension. Delinquency
23 fees, if any, accrued subsequent to the time of its revocation or
24 suspension and prior to an order for reinstatement, shall be waived
25 for a period of 12 months to allow the individual sufficient time
26 to complete the required continuing education units and to submit
27 the required documentation. Individuals whose certificates will
28 expire within 90 days after the order for reinstatement may be
29 granted a three-month extension to renew their certificates during
30 which time the delinquency fees shall not accrue.

31 (6) A certificate that is not renewed within four years after its
32 expiration shall not be renewed, restored, reissued, or reinstated
33 except upon completion of a certification training program, passing
34 any test that may be required of an applicant for a new certificate
35 at that time, and paying the appropriate fees provided for in this
36 section.

37 (7) A fee of twenty-five dollars (\$25) shall be charged for the
38 reissuance of a lost certificate.

1 (8) A certificate holder shall inform the department of his or
2 her employment status and change of mailing address within 30
3 days of any change.

4 (g) Unless otherwise ordered by the department, the certificate
5 shall be considered forfeited under either of the following
6 conditions:

7 (1) The department has revoked any license held by the
8 administrator after the department issued the certificate.

9 (2) The department has issued an exclusion order against the
10 administrator pursuant to Section 1558, 1568.092, 1569.58, or
11 1596.8897, after the department issued the certificate, and the
12 administrator did not appeal the exclusion order or, after the appeal,
13 the department issued a decision and order that upheld the
14 exclusion order.

15 (h) (1) The department, in consultation and collaboration with
16 county placement officials, provider organizations, the State
17 Department of Health Care Services, and the State Department of
18 Developmental Services, shall establish, by regulation, the program
19 content, the testing instrument, the process for approving
20 certification training programs, and criteria to be used in
21 authorizing individuals, organizations, or educational institutions
22 to conduct certification training programs and continuing education
23 courses. The department may also grant continuing education hours
24 for continuing courses offered by accredited educational institutions
25 that are consistent with the requirements in this section. The
26 department may deny vendor approval to any agency or person in
27 any of the following circumstances:

28 (A) The applicant has not provided the department with evidence
29 satisfactory to the department of the ability of the applicant to
30 satisfy the requirements of vendorization set out in the regulations
31 adopted by the department pursuant to subdivision (j).

32 (B) The applicant person or agency has a conflict of interest in
33 that the person or agency places its clients in group home facilities.

34 (C) The applicant public or private agency has a conflict of
35 interest in that the agency is mandated to place clients in group
36 homes and to pay directly for the services. The department may
37 deny vendorization to this type of agency only as long as there are
38 other vendor programs available to conduct the certification
39 training programs and conduct education courses.

1 (2) The department may authorize vendors to conduct the
2 administrator's certification training program pursuant to this
3 section. The department shall conduct the written test pursuant to
4 regulations adopted by the department.

5 (3) The department shall prepare and maintain an updated list
6 of approved training vendors.

7 (4) The department may inspect certification training programs
8 and continuing education courses, including online courses, at no
9 charge to the department, to determine if content and teaching
10 methods comply with regulations. If the department determines
11 that any vendor is not complying with the requirements of this
12 section, the department shall take appropriate action to bring the
13 program into compliance, which may include removing the vendor
14 from the approved list.

15 (5) The department shall establish reasonable procedures and
16 timeframes not to exceed 30 days for the approval of vendor
17 training programs.

18 (6) The department may charge a reasonable fee, not to exceed
19 one hundred fifty dollars (\$150) every two years, to certification
20 program vendors for review and approval of the initial 40-hour
21 training program pursuant to subdivision (c). The department may
22 also charge the vendor a fee, not to exceed one hundred dollars
23 (\$100) every two years, for the review and approval of the
24 continuing education courses needed for recertification pursuant
25 to this subdivision.

26 (7) (A) A vendor of online programs for continuing education
27 shall ensure that each online course contains all of the following:

28 (i) An interactive portion in which the participant receives
29 feedback, through online communication, based on input from the
30 participant.

31 (ii) Required use of a personal identification number or personal
32 identification information to confirm the identity of the participant.

33 (iii) A final screen displaying a printable statement, to be signed
34 by the participant, certifying that the identified participant
35 completed the course. The vendor shall obtain a copy of the final
36 screen statement with the original signature of the participant prior
37 to the issuance of a certificate of completion. The signed statement
38 of completion shall be maintained by the vendor for a period of
39 three years and be available to the department upon demand. Any

1 person who certifies as true any material matter pursuant to this
2 clause that he or she knows to be false is guilty of a misdemeanor.

3 (B) Nothing in this subdivision shall prohibit the department
4 from approving online programs for continuing education that do
5 not meet the requirements of subparagraph (A) if the vendor
6 demonstrates to the department's satisfaction that, through
7 advanced technology, the course and the course delivery meet the
8 requirements of this section.

9 (i) The department shall establish a registry for holders of
10 certificates that shall include, at a minimum, information on
11 employment status and criminal record clearance.

12 (j) Subdivisions (b) to (i), inclusive, shall be implemented upon
13 regulations being adopted by the department, by January 1, 2000.

14 (k) Notwithstanding any provision of law to the contrary,
15 vendors approved by the department who exclusively provide
16 either initial or continuing education courses for certification of
17 administrators of a group home facility as defined by regulations
18 of the department, an adult residential facility as defined by
19 regulations of the department, or a residential care facility for the
20 elderly as defined in subdivision (k) of Section 1569.2, shall be
21 regulated solely by the department pursuant to this chapter. No
22 other state or local governmental entity shall be responsible for
23 regulating the activity of those vendors.

24 SEC. 2. Section 1529.2 of the Health and Safety Code is
25 amended to read:

26 1529.2. (a) In addition to the foster parent training provided
27 by community colleges, foster family agencies shall provide a
28 program of training for their certified foster families.

29 (b) (1) Every licensed foster parent shall complete a minimum
30 of 12 hours of foster parent training, as prescribed in paragraph
31 (3), before the placement of any foster children with the foster
32 parent. In addition, a foster parent shall complete a minimum of
33 eight hours of foster parent training annually, as prescribed in
34 paragraph (4). No child shall be placed in a foster family home
35 unless these requirements are met by the persons in the home who
36 are serving as the foster parents.

37 (2) (A) Upon the request of the foster parent for a hardship
38 waiver from the postplacement training requirement or a request
39 for an extension of the deadline, the county may, at its option, on
40 a case-by-case basis, waive the postplacement training requirement

1 or extend any established deadline for a period not to exceed one
2 year, if the postplacement training requirement presents a severe
3 and unavoidable obstacle to continuing as a foster parent. Obstacles
4 for which a county may grant a hardship waiver or extension are:

- 5 (i) Lack of access to training due to the cost or travel required.
- 6 (ii) Family emergency.

7 (B) Before a waiver or extension may be granted, the foster
8 parent should explore the opportunity of receiving training by
9 video or written materials.

10 (3) The initial preplacement training shall include, but not be
11 limited to, training courses that cover all of the following:

- 12 (A) An overview of the child protective system.
- 13 (B) The effects of child abuse and neglect on child development.
- 14 (C) Positive discipline and the importance of self-esteem.
- 15 (D) Health issues in foster care.
- 16 (E) Accessing education and health services available to foster
17 children.

18 (F) The right of a foster child to have fair and equal access to
19 all available services, placement, care, treatment, and benefits, and
20 to not be subjected to discrimination or harassment on the basis
21 of actual or perceived race, ethnic group identification, ancestry,
22 national origin, color, religion, sex, sexual orientation, gender
23 identity, mental or physical disability, or HIV status.

24 (G) Instruction on cultural competency and sensitivity relating
25 to, and best practices for, providing adequate care to lesbian, gay,
26 bisexual, and transgender youth in out-of-home care.

27 (H) Instruction on cultural competency and sensitivity relating
28 to, and best practices for, providing adequate care to a sexually
29 exploited and trafficked minor in out-of-home care.

30 (I) Basic instruction on the existing laws and procedures
31 regarding the safety of foster youth at school and the ensuring of
32 a harassment- and violence-free school environment contained in
33 the ~~Student~~ *School Safety and Violence Prevention Act* (Article
34 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of
35 Division 1 of Title 1 of the Education Code).

36 (4) The postplacement annual training shall include, but not be
37 limited to, training courses that cover all of the following:

- 38 (A) Age-appropriate child development.
- 39 (B) Health issues in foster care.
- 40 (C) Positive discipline and the importance of self-esteem.

1 (D) Emancipation and independent living skills if a foster parent
2 is caring for youth.

3 (E) The right of a foster child to have fair and equal access to
4 all available services, placement, care, treatment, and benefits, and
5 to not be subjected to discrimination or harassment on the basis
6 of actual or perceived race, ethnic group identification, ancestry,
7 national origin, color, religion, sex, sexual orientation, gender
8 identity, mental or physical disability, or HIV status.

9 (F) Instruction on cultural competency and sensitivity relating
10 to, and best practices for, providing adequate care to lesbian, gay,
11 bisexual, and transgender youth in out-of-home care.

12 (G) Instruction on cultural competency and sensitivity relating
13 to, and best practices for, providing adequate care to a sexually
14 exploited and trafficked minor in out-of-home care.

15 (5) Foster parent training may be attained through a variety of
16 sources, including community colleges, counties, hospitals, foster
17 parent associations, the California State Foster Parent Association's
18 Conference, adult schools, and certified foster parent instructors.

19 (6) A candidate for placement of foster children shall submit a
20 certificate of training to document completion of the training
21 requirements. The certificate shall be submitted with the initial
22 consideration for placements and provided at the time of the annual
23 visit by the licensing agency thereafter.

24 (c) Nothing in this section shall preclude a county from requiring
25 county-provided preplacement or postplacement foster parent
26 training in excess of the requirements in this section.

27 SEC. 3. Section 300 of the Welfare and Institutions Code is
28 amended to read:

29 300. Any child who comes within any of the following
30 descriptions is within the jurisdiction of the juvenile court which
31 may adjudge that person to be a dependent child of the court:

32 (a) The child has suffered, or there is a substantial risk that the
33 child will suffer, serious physical harm inflicted nonaccidentally
34 upon the child by the child's parent or guardian. For the purposes
35 of this subdivision, a court may find there is a substantial risk of
36 serious future injury based on the manner in which a less serious
37 injury was inflicted, a history of repeated inflictions of injuries on
38 the child or the child's siblings, or a combination of these and other
39 actions by the parent or guardian which indicate the child is at risk
40 of serious physical harm. For purposes of this subdivision, "serious

1 physical harm” does not include reasonable and age-appropriate
2 spanking to the buttocks where there is no evidence of serious
3 physical injury.

4 (b) (1) The child has suffered, or there is a substantial risk
5 that the child will suffer, serious physical harm or illness, as a
6 result of the failure or inability of his or her parent or guardian to
7 adequately supervise or protect the child, or the willful or negligent
8 failure of the child’s parent or guardian to adequately supervise
9 or protect the child from the conduct of the custodian with whom
10 the child has been left, or by the willful or negligent failure of the
11 parent or guardian to provide the child with adequate food,
12 clothing, shelter, or medical treatment, or by the inability of the
13 parent or guardian to provide regular care for the child due to the
14 parent’s or guardian’s mental illness, developmental disability, or
15 substance abuse. No child shall be found to be a person described
16 by this subdivision solely due to the lack of an emergency shelter
17 for the family. Whenever it is alleged that a child comes within
18 the jurisdiction of the court on the basis of the parent’s or
19 guardian’s willful failure to provide adequate medical treatment
20 or specific decision to provide spiritual treatment through prayer,
21 the court shall give deference to the parent’s or guardian’s medical
22 treatment, nontreatment, or spiritual treatment through prayer alone
23 in accordance with the tenets and practices of a recognized church
24 or religious denomination, by an accredited practitioner thereof,
25 and shall not assume jurisdiction unless necessary to protect the
26 child from suffering serious physical harm or illness. In making
27 its determination, the court shall consider (1) the nature of the
28 treatment proposed by the parent or guardian, (2) the risks to the
29 child posed by the course of treatment or nontreatment proposed
30 by the parent or guardian, (3) the risk, if any, of the course of
31 treatment being proposed by the petitioning agency, and (4) the
32 likely success of the courses of treatment or nontreatment proposed
33 by the parent or guardian and agency. The child shall continue to
34 be a dependent child pursuant to this subdivision only so long as
35 is necessary to protect the child from risk of suffering serious
36 physical harm or illness.

37 (2) The Legislature finds and declares that a child who is
38 sexually trafficked, as described in Section 236.1 of the Penal
39 Code, or who receives food or shelter in exchange for, or who is
40 paid to perform, sexual acts described in Section 236.1 or 11165.1

1 of the Penal Code, and whose parent or guardian failed to, or was
2 unable to, protect the child, is within the description of this
3 subdivision, and that this finding is declaratory of existing law.
4 These children shall be known as commercially sexually exploited
5 children.

6 *(3) The Legislature finds and declares that a child who is a*
7 *victim of human trafficking, as described in Section 236.1 of the*
8 *Penal Code, and whose parent or guardian failed to, or was unable*
9 *to, protect the child, is within the description of this subdivision,*
10 *and that this finding is declaratory of existing law.*

11 (c) The child is suffering serious emotional damage, or is at
12 substantial risk of suffering serious emotional damage, evidenced
13 by severe anxiety, depression, withdrawal, or untoward aggressive
14 behavior toward self or others, as a result of the conduct of the
15 parent or guardian or who has no parent or guardian capable of
16 providing appropriate care. No child shall be found to be a person
17 described by this subdivision if the willful failure of the parent or
18 guardian to provide adequate mental health treatment is based on
19 a sincerely held religious belief and if a less intrusive judicial
20 intervention is available.

21 (d) The child has been sexually abused, or there is a substantial
22 risk that the child will be sexually abused, as defined in Section
23 11165.1 of the Penal Code, by his or her parent or guardian or a
24 member of his or her household, or the parent or guardian has
25 failed to adequately protect the child from sexual abuse when the
26 parent or guardian knew or reasonably should have known that
27 the child was in danger of sexual abuse.

28 (e) The child is under five years of age and has suffered severe
29 physical abuse by a parent, or by any person known by the parent,
30 if the parent knew or reasonably should have known that the person
31 was physically abusing the child. For the purposes of this
32 subdivision, “severe physical abuse” means any of the following:
33 any single act of abuse which causes physical trauma of sufficient
34 severity that, if left untreated, would cause permanent physical
35 disfigurement, permanent physical disability, or death; any single
36 act of sexual abuse which causes significant bleeding, deep
37 bruising, or significant external or internal swelling; or more than
38 one act of physical abuse, each of which causes bleeding, deep
39 bruising, significant external or internal swelling, bone fracture,
40 or unconsciousness; or the willful, prolonged failure to provide

1 adequate food. A child may not be removed from the physical
2 custody of his or her parent or guardian on the basis of a finding
3 of severe physical abuse unless the social worker has made an
4 allegation of severe physical abuse pursuant to Section 332.

5 (f) The child's parent or guardian caused the death of another
6 child through abuse or neglect.

7 (g) The child has been left without any provision for support;
8 physical custody of the child has been voluntarily surrendered
9 pursuant to Section 1255.7 of the Health and Safety Code and the
10 child has not been reclaimed within the 14-day period specified
11 in subdivision (g) of that section; the child's parent has been
12 incarcerated or institutionalized and cannot arrange for the care of
13 the child; or a relative or other adult custodian with whom the child
14 resides or has been left is unwilling or unable to provide care or
15 support for the child, the whereabouts of the parent are unknown,
16 and reasonable efforts to locate the parent have been unsuccessful.

17 (h) The child has been freed for adoption by one or both parents
18 for 12 months by either relinquishment or termination of parental
19 rights or an adoption petition has not been granted.

20 (i) The child has been subjected to an act or acts of cruelty by
21 the parent or guardian or a member of his or her household, or the
22 parent or guardian has failed to adequately protect the child from
23 an act or acts of cruelty when the parent or guardian knew or
24 reasonably should have known that the child was in danger of
25 being subjected to an act or acts of cruelty.

26 (j) The child's sibling has been abused or neglected, as defined
27 in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk
28 that the child will be abused or neglected, as defined in those
29 subdivisions. The court shall consider the circumstances
30 surrounding the abuse or neglect of the sibling, the age and gender
31 of each child, the nature of the abuse or neglect of the sibling, the
32 mental condition of the parent or guardian, and any other factors
33 the court considers probative in determining whether there is a
34 substantial risk to the child.

35 ~~(k) The child is a victim of human trafficking, as described in~~
36 ~~Section 236.1 of the Penal Code, is a victim of sexual exploitation,~~
37 ~~as described in Section 11165.1 of the Penal Code, or receives~~
38 ~~food or shelter in exchange for, or is paid to perform, sexual acts~~
39 ~~described in Section 236.1 or 11165.1 of the Penal Code, and the~~
40 ~~parent or guardian failed or was unable to protect the child.~~

1 It is the intent of the Legislature that nothing in this section
2 disrupt the family unnecessarily or intrude inappropriately into
3 family life, prohibit the use of reasonable methods of parental
4 discipline, or prescribe a particular method of parenting. Further,
5 nothing in this section is intended to limit the offering of voluntary
6 services to those families in need of assistance but who do not
7 come within the descriptions of this section. To the extent that
8 savings accrue to the state from child welfare services funding
9 obtained as a result of the enactment of the act that enacted this
10 section, those savings shall be used to promote services which
11 support family maintenance and family reunification plans, such
12 as client transportation, out-of-home respite care, parenting
13 training, and the provision of temporary or emergency in-home
14 caretakers and persons teaching and demonstrating homemaking
15 skills. The Legislature further declares that a physical disability,
16 such as blindness or deafness, is no bar to the raising of happy and
17 well-adjusted children and that a court's determination pursuant
18 to this section shall center upon whether a parent's disability
19 prevents him or her from exercising care and control. The
20 Legislature further declares that a child whose parent has been
21 adjudged a dependent child of the court pursuant to this section
22 shall not be considered to be at risk of abuse or neglect solely
23 because of the age, dependent status, or foster care status of the
24 parent.

25 As used in this section, "guardian" means the legal guardian of
26 the child.

27 This section shall remain in effect only until January 1, 2017,
28 and as of that date is repealed, unless a later enacted statute, that
29 is enacted before January 1, 2017, deletes or extends that date.

30 SEC. 4. Section 300 is added to the Welfare and Institutions
31 Code, to read:

32 300. Any child who comes within any of the following
33 descriptions is within the jurisdiction of the juvenile court which
34 may adjudge that person to be a dependent child of the court:

35 (a) The child has suffered, or there is a substantial risk that the
36 child will suffer, serious physical harm inflicted nonaccidentally
37 upon the child by the child's parent or guardian. For the purposes
38 of this subdivision, a court may find there is a substantial risk of
39 serious future injury based on the manner in which a less serious
40 injury was inflicted, a history of repeated inflictions of injuries on

1 the child or the child's siblings, or a combination of these and other
2 actions by the parent or guardian which indicate the child is at risk
3 of serious physical harm. For purposes of this subdivision, "serious
4 physical harm" does not include reasonable and age-appropriate
5 spanking to the buttocks where there is no evidence of serious
6 physical injury.

7 (b) (1) The child has suffered, or there is a substantial risk that
8 the child will suffer, serious physical harm or illness, as a result
9 of the failure or inability of his or her parent or guardian to
10 adequately supervise or protect the child, or the willful or negligent
11 failure of the child's parent or guardian to adequately supervise
12 or protect the child from the conduct of the custodian with whom
13 the child has been left, or by the willful or negligent failure of the
14 parent or guardian to provide the child with adequate food,
15 clothing, shelter, or medical treatment, or by the inability of the
16 parent or guardian to provide regular care for the child due to the
17 parent's or guardian's mental illness, developmental disability, or
18 substance abuse. No child shall be found to be a person described
19 by this subdivision solely due to the lack of an emergency shelter
20 for the family. Whenever it is alleged that a child comes within
21 the jurisdiction of the court on the basis of the parent's or
22 guardian's willful failure to provide adequate medical treatment
23 or specific decision to provide spiritual treatment through prayer,
24 the court shall give deference to the parent's or guardian's medical
25 treatment, nontreatment, or spiritual treatment through prayer alone
26 in accordance with the tenets and practices of a recognized church
27 or religious denomination, by an accredited practitioner thereof,
28 and shall not assume jurisdiction unless necessary to protect the
29 child from suffering serious physical harm or illness. In making
30 its determination, the court shall consider (1) the nature of the
31 treatment proposed by the parent or guardian, (2) the risks to the
32 child posed by the course of treatment or nontreatment proposed
33 by the parent or guardian, (3) the risk, if any, of the course of
34 treatment being proposed by the petitioning agency, and (4) the
35 likely success of the courses of treatment or nontreatment proposed
36 by the parent or guardian and agency. The child shall continue to
37 be a dependent child pursuant to this subdivision only so long as
38 is necessary to protect the child from risk of suffering serious
39 physical harm or illness.

1 (2) The Legislature finds and declares that a child who is
2 sexually trafficked, as described in Section 236.1 of the Penal
3 Code, or who receives food or shelter in exchange for, or who is
4 paid to perform, sexual acts described in Section 236.1 or 11165.1
5 of the Penal Code, and whose parent or guardian failed to, or was
6 unable to, protect the child, is within the description of this
7 subdivision, and that this finding is declaratory of existing law.
8 These children shall be known as commercially sexually exploited
9 children.

10 (c) The child is suffering serious emotional damage, or is at
11 substantial risk of suffering serious emotional damage, evidenced
12 by severe anxiety, depression, withdrawal, or untoward aggressive
13 behavior toward self or others, as a result of the conduct of the
14 parent or guardian or who has no parent or guardian capable of
15 providing appropriate care. No child shall be found to be a person
16 described by this subdivision if the willful failure of the parent or
17 guardian to provide adequate mental health treatment is based on
18 a sincerely held religious belief and if a less intrusive judicial
19 intervention is available.

20 (d) The child has been sexually abused, or there is a substantial
21 risk that the child will be sexually abused, as defined in Section
22 11165.1 of the Penal Code, by his or her parent or guardian or a
23 member of his or her household, or the parent or guardian has
24 failed to adequately protect the child from sexual abuse when the
25 parent or guardian knew or reasonably should have known that
26 the child was in danger of sexual abuse.

27 (e) The child is under five years of age and has suffered severe
28 physical abuse by a parent, or by any person known by the parent,
29 if the parent knew or reasonably should have known that the person
30 was physically abusing the child. For the purposes of this
31 subdivision, "severe physical abuse" means any of the following:
32 any single act of abuse which causes physical trauma of sufficient
33 severity that, if left untreated, would cause permanent physical
34 disfigurement, permanent physical disability, or death; any single
35 act of sexual abuse which causes significant bleeding, deep
36 bruising, or significant external or internal swelling; or more than
37 one act of physical abuse, each of which causes bleeding, deep
38 bruising, significant external or internal swelling, bone fracture,
39 or unconsciousness; or the willful, prolonged failure to provide
40 adequate food. A child may not be removed from the physical

1 custody of his or her parent or guardian on the basis of a finding
2 of severe physical abuse unless the social worker has made an
3 allegation of severe physical abuse pursuant to Section 332.

4 (f) The child's parent or guardian caused the death of another
5 child through abuse or neglect.

6 (g) The child has been left without any provision for support;
7 physical custody of the child has been voluntarily surrendered
8 pursuant to Section 1255.7 of the Health and Safety Code and the
9 child has not been reclaimed within the 14-day period specified
10 in subdivision (e) of that section; the child's parent has been
11 incarcerated or institutionalized and cannot arrange for the care of
12 the child; or a relative or other adult custodian with whom the child
13 resides or has been left is unwilling or unable to provide care or
14 support for the child, the whereabouts of the parent are unknown,
15 and reasonable efforts to locate the parent have been unsuccessful.

16 (h) The child has been freed for adoption by one or both parents
17 for 12 months by either relinquishment or termination of parental
18 rights or an adoption petition has not been granted.

19 (i) The child has been subjected to an act or acts of cruelty by
20 the parent or guardian or a member of his or her household, or the
21 parent or guardian has failed to adequately protect the child from
22 an act or acts of cruelty when the parent or guardian knew or
23 reasonably should have known that the child was in danger of
24 being subjected to an act or acts of cruelty.

25 (j) The child's sibling has been abused or neglected, as defined
26 in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk
27 that the child will be abused or neglected, as defined in those
28 subdivisions. The court shall consider the circumstances
29 surrounding the abuse or neglect of the sibling, the age and gender
30 of each child, the nature of the abuse or neglect of the sibling, the
31 mental condition of the parent or guardian, and any other factors
32 the court considers probative in determining whether there is a
33 substantial risk to the child.

34 It is the intent of the Legislature that nothing in this section
35 disrupt the family unnecessarily or intrude inappropriately into
36 family life, prohibit the use of reasonable methods of parental
37 discipline, or prescribe a particular method of parenting. Further,
38 nothing in this section is intended to limit the offering of voluntary
39 services to those families in need of assistance but who do not
40 come within the descriptions of this section. To the extent that

1 savings accrue to the state from child welfare services funding
2 obtained as a result of the enactment of the act that enacted this
3 section, those savings shall be used to promote services which
4 support family maintenance and family reunification plans, such
5 as client transportation, out-of-home respite care, parenting
6 training, and the provision of temporary or emergency in-home
7 caretakers and persons teaching and demonstrating homemaking
8 skills. The Legislature further declares that a physical disability,
9 such as blindness or deafness, is no bar to the raising of happy and
10 well-adjusted children and that a court's determination pursuant
11 to this section shall center upon whether a parent's disability
12 prevents him or her from exercising care and control. The
13 Legislature further declares that a child whose parent has been
14 adjudged a dependent child of the court pursuant to this section
15 shall not be considered to be at risk of abuse or neglect solely
16 because of the age, dependent status, or foster care status of the
17 parent.

18 As used in this section, "guardian" means the legal guardian of
19 the child.

20 This section shall become operative on January 1, 2017.

21 SEC. 5. Section 16003 of the Welfare and Institutions Code is
22 amended to read:

23 16003. (a) In order to promote the successful implementation
24 of the statutory preference for foster care placement with a relative
25 caretaker as set forth in Section 7950 of the Family Code, each
26 community college district with a foster care education program
27 shall make available orientation and training to the relative or
28 nonrelative extended family member caregiver into whose care
29 the county has placed a foster child pursuant to Section 1529.2 of
30 the Health and Safety Code, including, but not limited to, courses
31 that cover the following:

32 (1) The role, rights, and responsibilities of a relative or
33 nonrelative extended family member caregiver caring for a child
34 in foster care, including the right of a foster child to have fair and
35 equal access to all available services, placement, care, treatment,
36 and benefits, and to not be subjected to discrimination or
37 harassment on the basis of actual or perceived race, ethnic group
38 identification, ancestry, national origin, color, religion, sex, sexual
39 orientation, gender identity, mental or physical disability, or HIV
40 status.

- 1 (2) An overview of the child protective system.
- 2 (3) The effects of child abuse and neglect on child development.
- 3 (4) Positive discipline and the importance of self-esteem.
- 4 (5) Health issues in foster care.
- 5 (6) Accessing education and health services that are available
- 6 to foster children.
- 7 (7) Relationship and safety issues regarding contact with one
- 8 or both of the birth parents.
- 9 (8) Permanency options for relative or nonrelative extended
- 10 family member caregivers, including legal guardianship, the
- 11 Kinship Guardianship Assistance Payment Program, and kin
- 12 adoption.
- 13 (9) Information on resources available for those who meet
- 14 eligibility criteria, including out-of-home care payments, the
- 15 Medi-Cal program, in-home supportive services, and other similar
- 16 resources.
- 17 (10) Instruction on cultural competency and sensitivity relating
- 18 to, and best practices for, providing adequate care to lesbian, gay,
- 19 bisexual, and transgender youth in out-of-home care.
- 20 (11) Instruction on cultural competency and sensitivity relating
- 21 to, and best practices for, providing adequate care to a sexually
- 22 exploited and trafficked minor in out-of-home care.
- 23 (12) Basic instruction on the existing laws and procedures
- 24 regarding the safety of foster youth at school and the ensuring of
- 25 a harassment- and violence-free school environment contained in
- 26 the ~~Student~~ School Safety and Violence Prevention Act (Article
- 27 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of
- 28 Division 1 of Title 1 of the Education Code).
- 29 (b) In addition to training made available pursuant to subdivision
- 30 (a), each community college district with a foster care education
- 31 program shall make training available to a relative or nonrelative
- 32 extended family member caregiver that includes, but need not be
- 33 limited to, courses that cover all of the following:
- 34 (1) Age-appropriate child development.
- 35 (2) Health issues in foster care.
- 36 (3) Positive discipline and the importance of self-esteem.
- 37 (4) Emancipation and independent living.
- 38 (5) Accessing education and health services available to foster
- 39 children.

1 (6) Relationship and safety issues regarding contact with one
2 or both of the birth parents.

3 (7) Permanency options for relative or nonrelative extended
4 family member caregivers, including legal guardianship, the
5 Kinship Guardianship Assistance Payment Program, and kin
6 adoption.

7 (8) Basic instruction on the existing laws and procedures
8 regarding the safety of foster youth at school and the ensuring of
9 a harassment- and violence-free school environment contained in
10 the ~~Student~~ *School Safety and Violence Prevention Act* (Article
11 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of
12 Division 1 of Title 1 of the Education Code).

13 (c) In addition to the requirements of subdivisions (a) and (b),
14 each community college district with a foster care education
15 program, in providing the orientation program, shall develop
16 appropriate program parameters in collaboration with the counties.

17 (d) Each community college district with a foster care education
18 program shall make every attempt to make the training and
19 orientation programs for relative or nonrelative extended family
20 member caregivers highly accessible in the communities in which
21 they reside.

22 (e) When a child is placed with a relative or nonrelative extended
23 family member caregiver, the county shall inform the caregiver
24 of the availability of training and orientation programs and it is
25 the intent of the Legislature that the county shall forward the names
26 and addresses of relative or nonrelative extended family member
27 caregivers to the appropriate community colleges providing the
28 training and orientation programs.

29 (f) This section shall not be construed to preclude counties from
30 developing or expanding existing training and orientation programs
31 for foster care providers to include relative or nonrelative extended
32 family member caregivers.

33 SEC. 6. If the Commission on State Mandates determines that
34 this act contains costs mandated by the state, reimbursement to
35 local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.